

REMARKS

Applicant respectfully requests reconsideration and favorable action on the subject application. Claims 1-6, 8-14, 17-18, and 20 are pending in the application.

Objections and Rejections Based on 35 U.S.C. § 112

In the Office Action, the Office rejected claim 10 under 35 U.S.C. § 112 as failing to comply with the written description requirement. Claim 10 recites that the first curved end further comprises a fastening device, "wherein the fastening device is selected from the group consisting of a clamp and a latch."

More specifically, the Action stated that the new drawing submitted on September 24, 2004 constituted new matter. The drawing in question displays an embodiment of the Applicant's device, including clamps and/or latches. According to the Action, when initially examining the application "the [E]xaminer had no idea of how the clamps or latches would be included in the claimed invention since the applicant had no drawings for the claimed subject nor did the specification clearly describe how the clamps worked. . ." (Office Action, p. 3). The Action also stated that the drawing contained an added limitation because the latch included pivots.

The Applicant respectfully traverses this rejection. In particular, the Applicant points the Office to page 7, paragraph 27 of the Applicant's original specification. This states:

In various embodiments, the mounting end 12 of the skein holding device 10 can be secured to various supporting structures by additional means. . . . [I]n various embodiments, a clamp or latch (not shown) is present on the mounting end 12 as described hereinabove. A clamp or latch can further secure the skein holding device 10 to the supporting structure.

The Applicant respectfully submits that this passage adequately supports the claimed clamp and/or latch structure. Accordingly, the Applicant's specification fully supports the features recited in claim 10, and the Applicant requests reconsideration and withdrawal of the §112, 1st paragraph rejection of claim 10.

Rejections Based on § 102

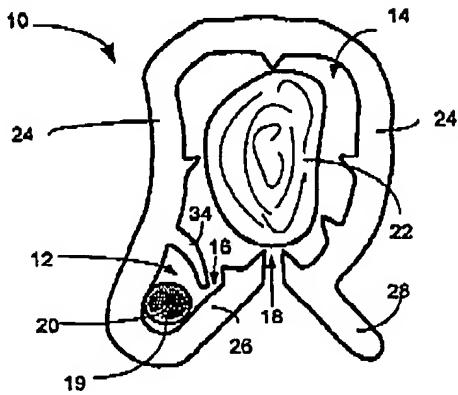
Claims 1-4, 8-12, 14, and 17-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,378,175 to Vanderpan (hereinafter, "Vanderpan"). Although the Applicant respectfully traverses this rejection, the Applicant has amended claim 1 in order to further prosecution.

Independent claim 1 is amended to clarify further aspects of the device. The Applicant reproduces part of claim 1 for convenience of discussion, with redlines shown:

"a second curved end ... and wherein the grooves approximate the cross-sectional configuration of the wire to engage respective loops of the wire."

The originally-filed specification fully supports the above revisions under § 112, 1st paragraph, at least at Paragraph 24 (particularly the portion appearing at the top of page 6), and by Figure 1A as submitted in the replacement sheet with the Applicant's response filed on 17 September 2004.

Vanderpan, meanwhile, discloses a resilient fastening clip 10 for supporting plants in an upright position, the clip including a first enclosure 12 for enclosing a support structure 19 and a second enclosure 14 for enclosing a plant 22. Support structure 19, such as a wire, runs in a vertical direction parallel to plant 22. The wire is snapped into first enclosure 12 and second enclosure 14 is placed around plant 22. Vanderpan's Fig. 3, reproduced below, is exemplary. This figure shows the top of clip 10 and cross-sections of the wire and plant.



As shown above, Vanderpan does not disclose grooves that approximate the cross-sectional configuration of the wire to engage respective loops of the wire. The various embodiments of the Vanderpan plant clip appear to include a plurality of tooth-like projections within the enclosure 14. However, these projections appear intended to engage the plant member 22, and the areas between these projections do not approximate the diameter or the cross-sectional configuration of a wire.

Further, as shown in Vanderpan's Figure 3 above, wire 20 resides within enclosure 12. The structure of this enclosure 12 does not disclose the "plurality of grooves" recited in claim 1 above.

On at least these bases, Applicant requests reconsideration and withdrawal of the § 102 rejection of claim 1 as being anticipated by Vanderpan. The above comments apply equally to claims 2-4, 8-12, 14 and 17-18, which depend from claim 1.

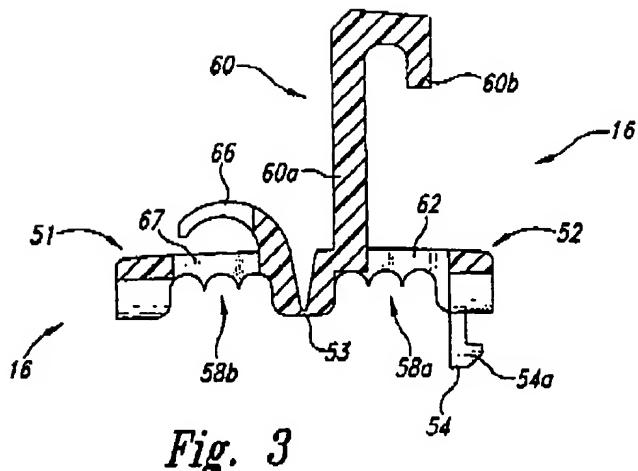
Claims 1-4, 8, 14 and 18 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,142,429 to Ahroni. Again, although Applicant respectfully traverses this rejection, Applicant has amended claim 1 in order to further prosecution.

Independent claim 1 recites, in part:

“a second curved end for supporting at least one skein of the wire on the device, wherein the second curved end is fixed in an open receiving position for allowing the skein to be placed onto and removed from the second curved end. . . .”

The originally-filed specification fully supports the above revisions under § 112, 1st paragraph, at least at page 5, paragraph 24 and Figs. 1A-2B.

Ahroni discloses mounting clips 16 for a draping decorative light string. Ahroni clip 16 has two mating front and back plastic shells 51 and 52 that are connected by a hinge and can be snap-fitted together. A longitudinal wireway 58 is thereby formed when shells 51 and 52 are closed, and wireway 58 provides support for a cord 19 of the decorative light string when the string is strung through clip 16. Besides supporting a decorative light string, the clip itself also mounts to a roof gutter, nail head or the like (via structures 60 or 66). In doing so, the light string is displayed on a garage or on a side of a house. Fig. 3 of Ahroni, depicted below, shows the clip in its open position.



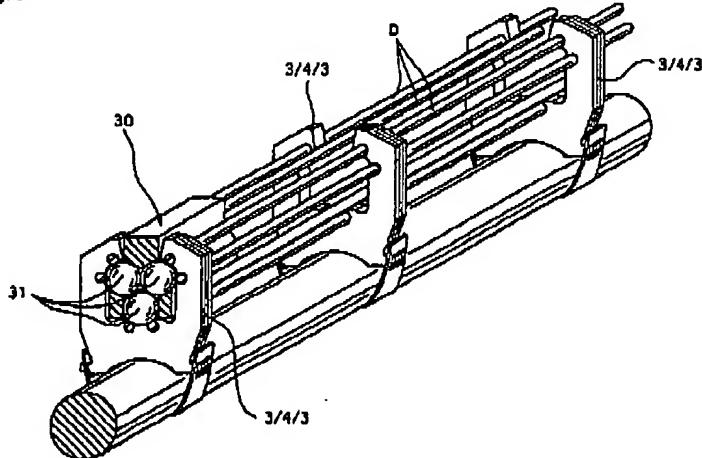
While the Ahroni device differs in many respects from Applicant's claim 1, Applicant specifically submits that clip 16 does not disclose a second curved end that "is fixed in an open receiving position for allowing the skein to be placed onto and removed from the second curved end." To the contrary, Ahroni's clip 16 is hinged open to place the cord into wireway 58, and then snapped closed in order to support the cord.

On at least this basis, Applicant requests reconsideration and withdrawal of the § 102 rejection of claim 1 as being anticipated by Ahroni. The above comments apply equally to claims 2-4, 8, 14, and 18, which depend from claim 1.

Claims 1, 4, and 8-12 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,116,810 to Eberle. Again, although Applicant respectfully traverses this rejection, Applicant has amended claim 1 in order to further prosecution.

Eberle discloses a device for fixing wires, or other similar objects, with the use of at least two jaw clamping elements. As shown below, clamping jaw elements 3/4/3 of the Eberle device hold individual wire strands D, in order straighten and otherwise fix crooked or disheveled wires.

Fig.6



Eberle does not disclose a "second curved end for supporting at least one skein of the wire on the device" as recited in claim 1. To the contrary, Eberle discloses a device where the jaw elements only hold single strands, and not a skein, of wire. As shown in the above figure, it is necessary that the wire is held only in single strands in order to fix these individual wire strands as the device is intended to do.

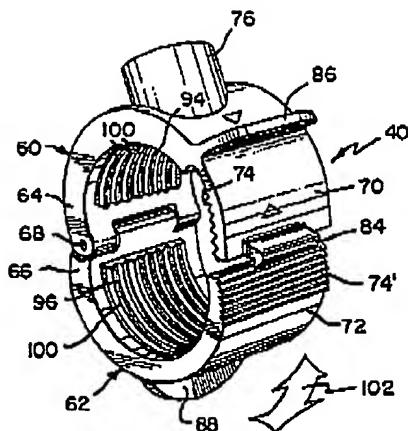
Further, Eberle fails to disclose a second curved end that is "fixed in an open receiving position for allowing the skein to be placed onto and removed from the second curved end", as recited in claim 1. Instead, Eberle's jaw pairs 3.4/4.4 to 3.9/4.9 are slewable against each other around a center M to be pressed against

a wire to be fixed (Eberle, column 3, lines 25-35). Slewable jaw pairs are clearly not fixed in an open receiving position.

On at least this basis, Applicant requests reconsideration and withdrawal of the § 102 rejection of claim 1 as being anticipated by Eberle. The above comments apply equally to claims 4 and 8-12, which depend from claim 1.

Finally, claims 1, 6, 8, 9, 11-13, 17-18, and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,305,978 to Current. Again, although Applicant respectfully traverses this rejection, Applicant has amended claim 1 in order to further prosecution.

Current discloses an arcuate compression clamp. The device comprises a clamp section 40, which attaches around a cylindrical rod 50. The device also includes a projection 76 that is configured to hold a sign for advertising purposes. The Action cites clamp 40 as the "second curved end" recited in Applicant's claim 1. Applicant submits, however, that the Office may have intended to label clamp 40 as the "first curved end" and projection 76 as the "second curved end," as clamp 40 attaches to rod 50. Fig. 2 of Current is depicted below without the rod located inside of the clamp.



As shown by arrow 102, clamp 40 is hinged between an open and closed position. Therefore, like Ahroni, Current does not disclose a "second curved end for supporting at least one skein of the wire on the device, wherein the second curved end is *fixed in an open receiving position for allowing the skein to be placed onto and removed from the second curved end,*" as claim 1 recites. (emphasis added). Applicant submits that this is true whether projection 76 or clamp 40 is labeled as the "second curved end."

Even if clamp 40 were labeled as the "second curved end" and attempted to be used for supporting a skein of wire, the device would differ from Applicant's claim 1 because it is not "fixed in an open receiving position." Likewise, projection 76 is not "fixed in an open receiving position for allowing the skein to be placed onto and removed from the second curved end." To the contrary, the projection is fixed in a closed position, and does not allow for the skein of wire "to be placed onto and removed from" a second curved end. Accordingly, Current

does not disclose at least the foregoing elements recited in Applicant's claim 1, and therefore does not support a § 102 rejection of claim 1.

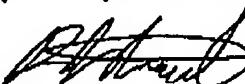
Further, Current does not disclose a curved inside surface defining "a plurality of grooves, and wherein at least one of the grooves has a diameter approximately the same as the diameter of the wire", as recited in claim 1. Current does not disclose a device for preventing damage to a wire, or a device supporting a wire. Therefore, the contact surfaces 100 of Current do not approximate the diameter of any such wire.

On at least these bases, Applicant requests reconsideration and withdrawal of the § 102 rejection of claim 1 as being anticipated by Current. The above comments apply equally to claims 2-6, 8, 9, 11-13, 17, 18, and 20, which depend from claim 1.

Conclusion

Applicant requests prompt and favorable action on this application at the earliest convenience of the Office. If any issue remains unresolved that would prevent allowance of this case, the Examiner is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

By: 

Date: 30 Aug 05

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